

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHARLES R. MACKENZIE,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

USDC SDNY  
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21-CV-5711 (LTS) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

On July 18, 2023, this Court held an initial case management conference, during which various pretrial dates were set, and issued an Initial Case Management Order (Dkt. 53), reiterating those dates. As discussed during the July 18, 2023 conference, and reiterated in the Initial Case Management Order, the Court scheduled a status conference to take place today, January 17, 2024, at 10:00 a.m., preceded by a joint status update letter, to be filed no later than January 10, 2024. *See* Initial Case Mgmt. Order ¶ 8. The Court further instructed that "[a]ll court conferences, hearings, and other proceedings will be held in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, unless the Court orders otherwise." *Id.* ¶ 10. With respect to today's conference, no such order was ever requested or issued.

On January 10, 2024, defendants' counsel timely filed what she described as the parties' "joint letter to update the Court as to the status of discovery in this case." (Dkt. 57.) However, neither plaintiff nor defendants appeared in Courtroom 20A at 10:00 this morning. When contacted by the Court's staff, defendants' counsel stated that she believed the conference would take place telephonically. She further clarified that although she attempted to contact plaintiff prior to January 10, she filed her "joint letter" without having heard back from him. As for the *pro se* plaintiff (who is a licensed attorney), he told the Court's staff that he was entirely unaware of today's conference.

In light of the parties' inexcusable failure to appear for today's conference, the Court has rescheduled it for **February 1, 2024, at 10:00 a.m., in Courtroom 20A**. The parties are advised that should they once again fail to appear for a scheduled conference, or otherwise violate this Court's scheduling orders, sanctions may be imposed. *See* Fed. R. Civ. P. 16(f).

Dated: New York, New York  
January 17, 2024

**SO ORDERED.**



**BARBARA MOSES**  
**United States Magistrate Judge**